

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

REYNALDO CRUZ

Plaintiff

v.

CASE NO. 17-2261 (PAD)

UNIÓN INDEPENDIENTE AUTÉNTICA  
DE LOS EMPLEADOS DE LA  
AUTORIDAD DE ACUEDUCTOS Y  
ALCATARILLADOS, THE PUERTO RICO  
AQUEDUCT AND SEWER AUTHORITY,  
and HON. RICARDO ANTONIO  
ROSSELLÓ NEVARES, in his official  
capacity as Governor of the  
Commonwealth of Puerto Rico.

Defendant

**MOTION TO DISMISS THE CROSSCLAIM UNDER RULE 12(b)(6)  
OF THE FED. R. CIV. PROC.**

TO THE HONORABLE COURT:

COMES NOW defendant UNIÓN INDEPENDIENTE AUTÉNTICA DE LOS EMPLEADOS DE LA AUTORIDAD DE ACUEDUCTOS Y ALCANTARILLADOS (“UIA”) through the undersigned attorney, and respectfully STATES, ALLEGES and PRAYS, as follows:

1.1 On January 25th, 2018, the Puerto Rico Aqueduct and Sewer Authority (“PRASA”) presented a Crossclaim against the UIA. In which it generally averred that the UIA is liable for any imposition or restitution of dues collected in the event of an unfavorable decision in the case at bar due to a hold-harmless agreement contained in

Article VII (5) of the Collective Bargaining Agreement negotiated by the UIA and PRASA.

**Docket 32.**

1.2 In response to this Crossclaim, the UIA incorporates by reference all of the arguments included in its Motion to Dismiss the Complaint Under Rule 12(b)(6) of the Fed. R. Civ. Proc. filed on this same date. Inasmuch as the Complaint upon which the crossclaim is contingent does not proceed for failure to state a claim upon which relief can be granted and must be dismissed, so too must the crossclaim be dismissed.

WHEREFORE, defendant Unión Independiente Auténtica de los Empleados de la Autoridad de Acueductos y Alcantarillados, respectfully requests that this Honorable Court dismiss with prejudice the crossclaim presented by Puerto Rico Aqueduct and Sewer Authority.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1<sup>st</sup> day of March 2018.

**I HEREBY CERTIFY:** that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to attorneys of record to their respective e-mail addresses.

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Harry Anduze Montaña- 114910  
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